

Notice of Allowability

Application No.

10/779,485

Examiner

Anton B. Harris

Applicant(s)

ARCHER ET AL.

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03 March 2006.
2. ☒ The allowed claim(s) is/are 1-17 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. As a result of the agreed upon changes to the limitations discussed in the Personal Interview conducted on 15 February 2006, Applicant's arguments, see pages 10-11, and amendments to claims 1, 11, and 19 filed 03 March 2006, with respect to claims 1-17 and 19 have been fully considered and are persuasive. The 35 U.S.C. 103(a) rejection of claims 1-17 and 19 has been withdrawn.

In the Personal Interview conducted on 15 February 2006, Examiner Harris and Primary Examiner Dinkins agreed that the limitation of the first and second mounting axes are substantially equidistant from and on opposite sides of the first side wall, with the first mounting axis being closer to the first side wall than the second side wall was not disclosed in the prior art due to unclear recitations of limitations in the original claims. However, the clarification of limitations through the exhibit presented by Mr. Abbruzzese provided Examiner Harris with a full understanding of the claimed invention without the inconsistencies previously contained in the filed application.

Allowable Subject Matter

2. Claims 1-17 and 19 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The limitations found in claims 1-10 are neither disclosed nor taught by the prior art of record, alone or in combination. The prior art of record does not disclose the limitations of a

Art Unit: 2831

generally rectangular electrical box having an elongate first side wall spaced apart from an elongate second side wall and defining a first mounting axis therebetween generally parallel to the side walls which mounts an electrical fixture and a supporting structure extending from the first side wall and defining a second mounting axes generally parallel to the first mounting axis, wherein the first and second mounting axes are substantially equidistant from and on opposite sides of the first side wall, with the first mounting axis being closer to the first side wall than the second side wall in combination with the other limitations recited in claim 1.

The limitations found in claims 11-17 are neither disclosed nor taught by the prior art of record, alone or in combination. The prior art of record does not disclose the limitations of a generally rectangular electrical box having an elongate first side wall spaced apart from an elongate second side wall and defining a first mounting axis therebetween generally parallel to the side walls which mounts an electrical fixture and a support structure externally extending from the first side wall which accommodates a communication fixture defining a third elongate mounting axes generally parallel to the first and second mounting axis, wherein the first and third mounting axes are substantially equidistant from and on opposite sides of the first side wall, with the first mounting axis being closer to the first side wall than the second mounting axis is to the second side wall in combination with the other limitations recited in claim 11.

The limitations found in claim 19 are neither disclosed nor taught by the prior art of record, alone or in combination. The prior art of record does not disclose the limitations of a support structure extending from said first side wall which accommodates the communication fixture, an outlet box including electrical fixture mounting members being spaced apart along a first axis between and generally parallel to the first and second side walls; and the support

Art Unit: 2831

structure including communication fixture mounting members being spaced apart along a second axis exterior and generally parallel to the first side wall, the first and second axes being generally equidistant from the first side wall; the first axis being non-centrally located between the first and second side walls in combination with the other limitations recited in claim 19.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

abh

3/20/06

 3/23/06
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TECHNOLOGY CENTER 2800